

CHAPTER 21

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PART 1

Guarding of Openings and Obstructions

§21-101. Definitions and Word Usage.

1. Terms Defined. As used in this Part 1, the following terms shall have the meanings indicated.

PERSON— Includes any natural person, partnership, association, firm or corporation.

2. Word Usage. As used in this Part 1, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 827, 2/14/2017)

§21-102. Openings and Obstructions to be Guarded.

No person shall permit any cellar vault, cellar door or other excavation, material excavated or obstruction on or adjoining any street, alley or sidewalk within this Borough to remain open or exposed without having the same secured by a temporary fence or covering or by putting up a danger signal, consisting of a red light, between sunset and sunrise.

(Ord. 827, 2/14/2017)

§21-103. Commercial Uses of Public Ways Restricted.

It shall be unlawful for any person to use any of the streets, alleys or sidewalks in the Borough of Coplay for any commercial or business activity; provided, however, that nothing herein shall apply to:

1. Any merchant who shall display any merchandise on the sidewalk, provided that the same shall only be displayed at any time when the store shall be open for business, may store or display merchandise upon the sidewalk directly in front of and adjacent to his store, provided that there shall remain unused and unobstructed, for the use of pedestrians, a strip of sidewalk at least five feet wide, along the entire property occupied by such store.
2. Any person selling any goods, wares or merchandise from a vehicle who shall park such vehicle upon a street or alley for no longer than necessary to sell therefrom to persons residing in the immediate vicinity.

3. A merchant who operates a restaurant and wishes to permit its customers to dine on the sidewalk in front of the restaurant immediately adjacent to the building. Such merchant must first make application to the Borough Secretary and obtain a permit from the Borough Secretary. The merchant shall be subject to any restrictions set forth in the permit.

(Ord. 827, 2/14/2017)

§21-104. Restrictions on Gasoline Tanks and Pumps and Similar Devices.

It shall be unlawful for any person to construct, install or maintain any tank or pump or other device for supplying motor vehicles with gasoline, oil or air upon or under any street, alley, sidewalk or curb in the Borough of Coplay, or in such a location upon private property that would enable vehicles to be serviced therefrom while parked upon any street or alley.

(Ord. 827, 2/14/2017)

§21-105. Signs and Advertising Devices.

It shall be unlawful for any person to erect or maintain upon any property owned or occupied by him, any sign or advertising device that shall project or be located beyond the building line or upon or over any street, alley or sidewalk.

(Ord. 827, 2/14/2017)

§21-106. Clearance of Trees Above Streets, Alleys and Sidewalks.

It shall be unlawful for the owner of any property in the Borough of Coplay to maintain or permit to remain or to grow upon his property or upon or alongside of any street, alley or sidewalk abutting upon such property any tree of which any of the leaves or branches shall have a clearance of less than seven feet above the surface of the sidewalk or of less than 14 feet above the surface of the cartway of such street or alley, and it shall be the duty of property owners to keep such trees cut and trimmed so as to conform to the requirements of §21-106.

(Ord. 827, 2/14/2017)

§21-107. Trunks of Trees Not to Extend Over Street, Alley or Sidewalk Line; Exception.

It shall be unlawful for the owner of any property in the Borough of Coplay to maintain or permit to remain or to grow upon his property or upon or alongside of any street, alley or

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sidewalk abutting upon such property any tree of which the trunk shall extend over or upon the lines of such sidewalk, street or alley, except for any tree growing upon a strip designated and reserved by the Borough for the planting of trees.

(Ord. 827, 2/14/2017)

§21-108. Shrubs and Other Plants Not to Extend into Street, Alley or Sidewalk.

It shall be unlawful for the owner of any property in the Borough of Coplay to maintain or permit to remain or to grow upon his property any shrub or other plant, other than a tree, any part of which shall extend into any street, alley or sidewalk.

(Ord. 827, 2/14/2017)

§21-109. Removal of Unlawful Encroachments and Obstructions.

Any obstruction or encroachment prohibited by this Part 1 shall be removed by the person maintaining or permitting the same to remain, within ten days after notice to do so has been given to them by the Borough of Coplay. Such notice shall be given by certified mail, and shall state that unless such obstruction or encroachment shall be removed within such ten day limit, the Borough shall be authorized to cause the same to be removed and to collect the cost of such removal, with an additional sum of 10% thereof, from the person to whom such notice was given. In case any such person shall not remove such obstruction or encroachment within such time limit, the Borough may cause the same to be removed and shall collect the cost of such removal, with the additional sum of 10% from the person to whom such notice was given. Provided, at any time prior to the expiration of such ten day notice, the person to whom such notice was given may appeal to the Borough Council and such appeal, as well as any further appeal to any court having jurisdiction over such matters, shall stay further action on the part of the Borough pending final determination of the matter.

(Ord. 827, 2/14/2017)

§21-110. Penalty for Violation.

Any person who shall violate any of the provisions of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this part continues shall constitute a separate offense.

(Ord. 827, 2/14/2017)

§21-111. Dumpsters.

No person shall place or cause to be placed any dumpster or oversized trash container of any kind within the right-of-way area of any Borough street, alley, sidewalk or thoroughfare, except upon having first obtained the necessary dumpster permit, issued by the Borough of Coplay Police Department. In addition, all such dumpsters shall conform to the following regulations:

1. The dumpster must be one that can be readily removed from the right-of-way.
2. The dumpster cannot extend into the sidewalk area and cannot be a hazard to the public using the sidewalk, unless such placement is the only practicable location and is permitted on the face of the permit.
3. All dumpsters in the cartway shall be clearly marked with reflective tape and flashing caution lights. For the purposes of this Part 1, the cartway is defined as the area between curbs or the area paved for travel.
4. Plans and site location of the proposed dumpster shall be submitted along with the application for dumpster permit and must be approved prior to placement of the dumpster.
5. No dumpster permit shall be issued if, in the opinion of the Borough of Coplay Police Department, such issuance will create a safety hazard to the use of the sidewalk area or cartway by pedestrians or vehicles.
6. No dumpster to be located in the cartway shall be wider than eight feet.
7. Once issued, the maximum duration of a permit for a dumpster shall be 21 continuous days. In cases of emergency or an ongoing project, an additional permit renewal may be authorized for one additional week upon written request for extension and written authorization on the face of the permit application.
8. All waste must be emptied from the dumpster on a "regular basis" so as not to become a health hazard. Organic or rotting material must be emptied more promptly than dry wood, plaster or discarded furniture. At no time shall the waste be permitted to overflow the dumpster.
9. No dumpster permit shall be issued for the placement of same in a cartway with a width of less than 30 feet; nor shall such a permit be issued for a cartway with parking restrictions established thereon.
10. Fees for dumpster permits shall be as set forth in the Coplay Borough Fee Schedule.

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11. All dumpsters shall display on them the name of the owner/supplier of same.
12. Form of Permit. The dumpster permit shall contain, at a minimum, the following information:
 - A. Name, telephone and address of property owner for which the dumpster is being placed.
 - B. Name, telephone and address of dumpster supplier.
 - C. Name and telephone number of dumpster company representative; this representative shall be available 24 hours a day in case of emergency.
 - D. Date that dumpster is to be placed and expected removal date.
 - E. Size of dumpster (either in dimensions or cubic yard capacity).
 - F. Location map of dumpster location (may be sketched on application).
 - G. Proof of liability insurance covering the dumpster.
 - H. Acknowledgment of the permittee that in the event that the dumpster is left on location beyond the permitted period and any extension thereof, the Borough is entitled to call the owner of the dumpster, have it removed and dumped and charge the cost thereof to the owner of the property and, upon nonpayment, charge the fee and 10% administration and filing fees and costs as a municipal lien by the consent of the owner.

(Ord. 827, 2/14/2017)

§21-112. Storage Permit; Removal Upon Noncompliance.

1. Under special circumstances where, in the judgment of the Borough's Authorized Representative, there shall be no other practicable means for the storage of building material, the Borough's Authorized Representative may grant a permit to the holder of a building permit for the storage of building material upon a limited portion of the street and/or sidewalk abutting the property where such material is to be used. Such permit shall be granted upon filing of a building permit application therefor with the Borough Secretary for the work being done that requires storage of building material upon a limited portion of the street and/or sidewalk abutting the property where such material is to be used. Such permit shall be issued upon the following conditions:

- A. The permit shall be valid for not more than 30 days from date of issuance, but may be extended, at the discretion of the Borough's Authorized Representative.
 - B. Such building material may occupy no more than 1/2 of the width of the sidewalk and/or 1/3 the width of the street.
 - C. Such building material shall be placed so as not to interfere with drainage of the street or sidewalk or with access to any fire hydrant.
 - D. Such building material shall be arranged in regular, neat, compact form so as to occupy a minimum of space and to present the least risk of falling.
 - E. The holder of the permit shall place lights and guards in the vicinity of or around such material, as required by the ordinances of the Borough, so as to prevent injury to persons and property.
 - F. The holder of the permit shall, in accepting such permit, assume all liability for damages, losses, costs or expenses that may be occasioned by reason of the placing of such material upon the sidewalk and/or street.
 - G. All such material shall be removed from the sidewalk and street, and the sidewalk and street shall be restored to the condition in which they were immediately prior to the storage thereof on or before the date of expiration of such permit or of the extension of such permit.
2. If the holder of any permit shall fail to comply with the provisions of these conditions, such material may be removed by order of the Borough's Authorized Representative and shall be placed upon the property where such material is to be used, outside the limits of the street and sidewalk. In such case, the expense of such removal, with any additional charge authorized by law, shall be collected by the Borough from the holder of such permit, provided that nothing herein shall be construed as interfering with the grading of streets or sidewalks or the improving of streets or the placing of material for such purpose under the direction of the Borough's Authorized Representative.

(Ord. 827, 2/14/2017)

§21-113. Locations of Porches, Porticos and Steps.

- 1. In the building of porches, porticos and steps, no portion thereof shall extend beyond the street line, or beyond the building line, in case a building line shall have been established, but all porches, porticoes and steps heretofore built and extending beyond the street or building line, as the case may be, shall be permitted to remain until necessary to rebuild the same, at which time they shall be reconstructed according to

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the restriction hereinbefore set forth. Provided, in case of undue hardship, the owner of a building may petition to Council for a waiver of such prohibition, and Council, at its discretion, may grant such a waiver.

2. Any person, corporation, association or firm violating the provisions of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this article continues shall constitute a separate offense.

(Ord. 827, 2/14/2017)

PART 2

Snow and Ice Removal and Disposal

§21-201. Definitions and Word Usage.

1. Terms defined. As used in this Part 2, the following terms shall have the meanings indicated.

PERSON – Includes any natural person, partnership, association, firm or corporation.

2. Word usage. As used in this Part 2, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 827, 2/14/2017)

§21-202. Removal and Disposal of Snow and Ice Required.

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough of Coplay is hereby required to remove or cause to be removed from all the sidewalks in front of or alongside of such property all snow and ice thereon fallen or formed within 24 hours after the same shall have ceased to fall or to be formed. Provided, the owner of such property shall be responsible for conforming to the requirements of §21-201 where such property is occupied by such owner or is vacant or unoccupied or where such property is composed of more than one rental unit; the occupant or tenant of a property shall be so responsible where such property is composed of one rental unit only, occupied by such occupant or tenant. It shall be unlawful for the owner, occupant or tenant of any property in the Borough to place, throw or dump any snow or ice removed from the property, or to allow or authorize any other person to do so, upon any sidewalk, curb, gutter, street or alley in the Borough. Provided further, upon the declaration of a snow emergency by the Mayor, and for the duration of said emergency, snow and ice need only be removed so as to provide an 18 inch wide path on all the sidewalks in front of or alongside of such property. Said 18 inch wide path shall correspond to the "inside" 18 inches of the sidewalk.

Where reasonably possible, all accumulated snow or ice shall be placed into the area located behind the sidewalks. At locations where there is no area that exists to place the accumulated snow or ice, it shall be permissible to place the accumulated snow or ice into small piles along the curb line of the roadway, provided that the placement of the snow or ice does not present a safety hazard or a drainage problem, or some other unacceptable condition, as determined by a designated representative of the Borough.

(Ord. 827, 2/14/2017)

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§21-203. Authority for Borough to Remove Snow and Ice and Collect Cost and Additional Amount.

Borough Council, or any officer or employee of the Borough authorized to enforce this Part 2 is hereby authorized to give notice, by personal service or by United States mail, to the owner, occupant or tenant, as the case may be, of any premises whereon snow and ice has not been removed from the sidewalk in violation of any of the provisions of §21-201 of this Part 2, directing and requiring such owner or occupant to remove or cause to be removed all snow and ice thereon so as to conform to the requirements of this Part 2, within 24 hours after issuance of such notice. In any case where an owner or occupant shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove snow and ice, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person, firm or corporation, in the manner provided by law. If subsequent violations occur within 24 months of the date of the notice, the Borough may, without additional notice, take the above written measures to bring the property into compliance with article requirements.

(Ord. 827, 2/14/2017)

§21-204. Penalty for Violation.

Any person who shall violate or fail, neglect or refuse to comply with any of the provisions of this Part 2, shall, on conviction thereof before any District Justice of the Borough, be sentenced to pay a minimum fine of \$100 and costs of prosecution for the first violation, a minimum fine of \$200 and costs of prosecution for the second violation and for any subsequent violations, a fine up to but not more than \$1,000 and costs of prosecution; and in default of payment thereof shall be subject to imprisonment for a term not to exceed 30 days. Each day's continuance of a violation or failure to comply, after conviction thereof, shall constitute a separate offense, and notice to the offender shall not be necessary to constitute an offense.

(Ord. 827, 2/14/2017)

§21-205. Hindering the Removal of Snow from the Streets Prohibited.

It shall be unlawful for any person or persons to interfere with or to hinder any Borough employee or employees from removing snow from any street or alley in the Borough of Coplay. The interference with or hindering of Borough employees shall include, but not be limited to, the parking of vehicles along streets and alleys contrary to a request by Borough employees to remove the same for snow removal purposes. Any motor vehicle not so removed shall be towed by the Borough at the expense of the owner of the vehicle. Any person who shall violate

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any of the provisions of §21-204 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs, and in default of payment thereof, shall be subject to imprisonment for a period not to exceed 30 days.

(Ord. 827, 2/14/2017)

PART 3

Coasting and Sledding

§21-301. Definitions and Word Usage.

1. Terms Defined. As used in this Part 3, the following terms shall have the meanings indicated.

PERSON – Includes any natural person, partnership, association, firm or corporation.

2. Word Usage. As used in this Part 3, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 827, 2/14/2017)

§21-302. Prohibited Areas.

No person or persons shall coast or ride upon any sled or similar conveyance upon any sidewalk in the Borough of Coplay.

(Ord. 827, 2/14/2017)

§21-303. Restricted Areas.

No person or persons shall coast or ride upon any sled or similar conveyance upon any street or alley in the Borough of Coplay unless such street or alley shall have been especially set apart and designated for the purpose as a play highway and shall have been blocked off or adequately protected from vehicular traffic.

(Ord. 827, 2/14/2017)

PART 4

Street Excavations and Openings

§21-401. Definitions and Interpretation.

1. The following words, when used in this Part 4, shall have the meanings ascribed to them in this section, except those instances where the context clearly indicates otherwise:

EXCAVATION – Any activity within the right-of-way of any street, alley, or cartway which involves cutting, breaking, or disturbing the surface thereof. In this Part 4, the term "opening" shall have essentially the same meaning as excavation.

PERSON – Any natural person, partnership, firm, association, corporation or municipal authority.

STREET – Any public street, avenue, road, square, alley, highway, or other public place located in the Borough of Coplay and established for the use of vehicles, but shall not include state highways.

2. In this Part 4, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 827, 2/14/2017)

§21-402. Permit Required to Make Opening or Excavation.

It shall be unlawful for any person to open or make any excavation of any kind in any streets in the Borough of Coplay without first securing a permit therefor, as hereinafter provided.

(Ord. 827, 2/14/2017)

§21-403. Application for Permit.

Any person who shall desire to make an opening or excavation in any of the streets in the Borough of Coplay shall make application to the Borough Secretary in writing for that purpose. Such application shall set forth the name of the applicant, exact location of the proposed opening or excavation, and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Borough of Coplay and the laws of the commonwealth in relation thereto,

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and that the applicant shall well and truly save, defend and keep harmless the Borough of Coplay from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

(Ord. 827, 2/14/2017)

§21-404. Permit Fee.

Before any permit shall be issued to open or excavate any street in the Borough of Coplay, the applicant shall pay a permit fee in the amount fixed according to the Coplay Borough Fee Schedule.

(Ord. 827, 2/14/2017)

§21-405. Issuance of Permits Restricted.

1. Permits shall be issued only to persons furnishing public utility services or the owner or owners of the real property adjoining the location where such opening or excavation is to be made.
2. Permits issued for any excavation or opening of a street that has had a new bituminous surface installed within the last ten years shall pay an additional fee as outlined in the Borough of Coplay Fee Schedule.

(Ord. 827, 2/14/2017)

§21-406. Information Contained on Permit.

Any permit issued hereunder shall specify the exact location where the opening or excavation is to be made, the approximate permitted size or depth thereof and the time within which the work for which the permit is granted is to be completed.

(Ord. 827, 2/14/2017)

§21-407. Permit Approval/Disapproval.

A permit may be issued to the applicant after all the requirements therefor have been filed. If the application is disapproved, written notice of disapproval together with reasons therefor shall be given to the applicant.

(Ord. 827, 2/14/2017)

§21-408. Responsibility to Contact Utilities (One Call).

The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, P.L. 852, No. 287, § 1 et seq., as amended or supplemented from time to time. It shall be the permittees responsibility to contact the utilities that have recorded their facilities in compliance with said Act.

(Ord. 827, 2/14/2017)

§21-409. Refilling of Opening or Excavation; Restoration of Surface; Responsibility for Defects Occurring Within Two Years.

Any person who shall open or excavate any street in the Borough of Coplay shall thoroughly and completely refill the opening or excavation with PennDOT 2A stone, flowable fill or other materials as approved by the Borough's Authorized Representative. The backfill and restoration shall be in such a manner as to prevent any settling thereafter, and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the Coplay Borough Street Opening Restoration Detail and specifications of the Pennsylvania Department of Transportation which are hereby adopted as specifications of the Borough of Coplay for restoration of surfaces of streets in the Borough of Coplay, as restored; the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If, within after two years after the restoration of the surface as herein provided, defects shall appear therein resulting from backfilling by the applicant, the applicant shall reimburse the Borough of Coplay for the cost of all necessary repairs to the permanent paving.

(Ord. 827, 2/14/2017)

§21-410. Responsibility of Permit Holder for Certain Work; Right of Borough to do Certain Work; Charges.

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by or for the person to whom or which the permit

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has been issued at his or its expense, and all such work shall be subject to the provisions of this Part 4 and to the supervision and approval of the designated official, provided that the Borough's Authorized Representative may, if he deems it necessary to the proper performance of the work, require that cutting the surface of streets and the backfilling of all excavations therein shall be done by the Borough of Coplay, in which event the applicant shall pay the actual cost of the work performed by the Borough of Coplay.

(Ord. 827, 2/14/2017)

§21-411. Requirements for Work; Correction of Unsatisfactory Work; Completion of Incomplete Work.

1. No opening or excavation in any street shall extend from the curblin into the highway a distance greater than one foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.
2. No more than 200 feet longitudinally shall be opened in any street at any time.
3. The work or excavation shall be so conducted as not to interfere with the water mains, sewers or their connections with the houses, or any other subsurface line or constructions, until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained.
4. No tunneling shall be allowed without the express approval of the Borough's Authorized Representative and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough's Authorized Representative or an inspector designated by him, and shall be done only in a method approved by him.
5. All openings or excavations shall be backfilled promptly with 2A aggregate stones and thoroughly compacted in layers, each of which layers shall not exceed eight inches in depth or with PennDOT approved Flowable Fill. Backfilling shall be placed to within ten inches of the surface.
6. A temporary paving cold patch premix, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving and maintained for a period of 90 days.
7. On concrete base streets, such base shall be replaced with concrete and the minimum size of the opening or excavation shall be 16 square feet. The replacement be properly doweled into the existing concrete base in accordance with the latest version of Pennsylvania Department of Transportation's specifications including, but not limited to, publication 72 and 408.

8. During the making of any excavation in the street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices, and all excavating permits granted hereunder are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough of Coplay from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by said excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit, or any other matter placed in said evacuation.
9. The applicant shall notify the Borough's Authorized Representative when the opening or excavation is ready for backfilling before any backfilling is done, when backfilling work is completed, when the temporary paving has been installed and when the street has been made permanently restored so that inspections may be made.
10. In the event that any work performed by or for a permit holder shall in the opinion of the Borough's Authorized Representative be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time frame fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough's Authorized Representative, the Borough of Coplay may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20% to the applicant.

(Ord. 827, 2/14/2017)

§21-412. Emergency Openings.

In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit. Permits for emergency excavations, due to public health and safety concerns, must be applied for within 30 days. If a permit is not applied for within this time period an additional fee, equal to 10% of the total permit, inspection, surface restoration and degradation fee, will be due to the Borough of Coplay. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Borough's Authorized Representative, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus 20% to such owner or person.

(Ord. 827, 2/14/2017)

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§21-413. Restrictions Regarding Trees and Shrubbery.

The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Borough of Coplay may prescribe.

(Ord. 827, 2/14/2017)

§21-414. Work Necessitating Opening or Excavation to be Done Prior to Street Improvement and Not Until Five Years Thereafter; Exception.

The Borough shall give timely notice to all persons owning property abutting on any street within the Borough of Coplay about to be paved or improved, and to all public utility companies operating in the Borough of Coplay, and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of said street, within 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough. New paving shall not be opened or excavated for a period of ten years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening or excavating of such paving to be determined by the Borough. If it is sought to excavate upon or open a sewer within ten years after the completion of the paving, the applicant shall make written application to the Borough Council, and a permit for such opening shall be issued only after express approval of the Borough Council.

(Ord. 827, 2/14/2017)

§21-415. Permittee Responsibilities for Future Relocation of Work.

If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the permittee further agrees to change or relocate all or any part of the structures covered by this permit.

(Ord. 827, 2/14/2017)

§21-416. Conditions for Laying and Extending Utility Lines.

No new water, sewer, steam or gas main or electric, telephone or other utility line shall hereafter be laid or constructed and no such existing main or line shall be extended, in any of the streets of the Borough of Coplay until the plan therefor shall have been first filed with the Borough's Authorized Representative and such plan, and the exact location of such main or line, approved by him. The Borough Representative shall not approve the locating of any such

main or line at a depth of less than 30 inches from the surface of the street unless he shall be convinced that locating the same at a depth of more than 30 inches from the surface is impossible or impractical.

(Ord. 827, 2/14/2017)

§21-417. Bond Required.

No person, company, corporation or association shall dig up any street or alley without first giving to the Borough of Coplay a bond or irrevocable letter of credit with some acceptable trust or surety company as surety in a sum determined acceptable by the Borough Secretary in consultation with the Borough Engineer conditioned for the faithful performance of these provisions and also for all and any damages, claims, demands, suits, costs, and counsel fees occasioned or arising for the digging up, opening or closing of such streets and alleys. The amount of the bond shall be in the amount of 110% of the estimated cost of the work to be performed by the applicant. The estimated cost shall be based upon an estimate of the cost to perform the work, submitted by the applicant, and approved by the Borough Engineer.

(Ord. 827, 2/14/2017)

§21-418. Payment for Work Done by the Borough.

Payment for all work done by the Borough of Coplay under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within 30 days after a bill therefor is sent to such person by the Borough of Coplay. Upon failure to pay such charges within such time, the same shall be collectible by the Borough of Coplay by an action in assumpsit or in the manner provided by law for the collection of municipal claims.

(Ord. 827, 2/14/2017)

§21-419. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part 4 shall upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and, in default of payment, to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part 4 continues shall constitute a separate offense.

(Ord. 827, 2/14/2017)

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§21-420. Applicability.

The provisions of this Part 4 shall not apply to laying sidewalks or curbs.

(Ord. 827, 2/14/2017)

PART 5

Curb and Sidewalk Construction and Repair

§21-501. Definitions and Interpretation.

1. The following words, when used in this Part 5, shall have the meanings ascribed to them in this section, except those instances where the context clearly indicates otherwise:

ADA – Americans with Disabilities Act.

EXCAVATION – Any activity within the right-of-way of any street, alley, or cartway which involves cutting, breaking, or disturbing the surface thereof. In this Part 5, the term "opening" shall have essentially the same meaning as excavation.

FFHA – Federal Fair Housing Act.

MAJOR STREET REPAIR, CONSTRUCTION or RECONSTRUCTION – Any improvement of any street, alley, highway or public thoroughfare other than sealing, patching, minor maintenance such as micro-resurfacing, or temporary repairs.

NEW CONSTRUCTION – Any improvement or addition on any parcel of land whereby the value of any existing structures shall be increased by 100% or more; where no structure exists upon the parcel of land involved, the improvement shall be classified as new construction regardless of the value of the proposed improvement.

OWNER – Those persons owning property along streets or thoroughfares who are subject to applicable rules of assessment for municipal improvements.

PERSON – Any natural person, partnership, firm, association, corporation or municipal authority.

STREET – Any public street, avenue, road, square, alley, highway, or other public place located in the Borough of Coplay and established for the use of vehicles, but shall not include state highways.

2. In this Part 5, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 827, 2/14/2017)

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§21-502. Duties of Property Owners to Maintain, Repair and Reconstruct Existing Sidewalks and Curb.

The owner of any premises in the Borough of Coplay abutting a sidewalk or curb shall, at his own cost and expense, shall be maintained in a safe and passable condition so as to protect the usage of the same by the general public from harm and injury. In the event that any such sidewalk or curb, or any part thereof, becomes unsafe or hazardous to the public or unfit to walk upon, the abutting owner, at their own expense shall make necessary repairs to the same for the safety and convenience of the public in accordance with the regulations established by ordinance and keep same in good repair accessible pursuant to the requirement of both the ADA and FFHA.

(Ord. 827, 2/14/2017)

§21-503. Duties of Property Owners to Construct Sidewalks and Curb.

Whenever the Borough of Coplay Council shall so require, it shall be the duty of all owners of property abutting a dedicated or opened public street within the Borough to construct concrete sidewalks, curbs and any other improvements required by the construction of curbing at their own expense for the safety and convenience of the public in accordance with regulations established by ordinance and keep same in good repair and accessible pursuant to the requirements of both the ADA and FFHA. Said improvements shall be constructed within 30 days from the date of notice.

(Ord. 827, 2/14/2017)

§21-504. Major Street Improvement.

All owners of real estate in the Borough whose property abuts any street where major street repair, construction or new construction is proposed to take place, are hereinafter required to construct or reconstruct their curb and sidewalks as determined by the Borough of Coplay Council or Coplay Authorized Representative at their own expense for the safety and convenience of the public in accordance with the regulations established by ordinance and keep same in good repair accessible pursuant to the requirement of both the ADA and FFHA. Said improvements shall be constructed within 30 days from the date of notice.

(Ord. 827, 2/14/2017)

§21-505. Notice to Make Repairs.

In the event the Coplay Borough Council, Building Codes Official or its authorized agent should ascertain that the condition of any sidewalk or curb has deteriorated to such an extent

that the safety of pedestrians is jeopardized and a dangerous condition exists, a notice, setting forth the said defects, shall be served to the property owner or owners, directing that the necessary repairs be made within a period of 30 days from the receipt of the said notice. If the owner is not a resident of the Borough, then the notice may be served upon the agent or tenant of the owner or upon the occupant of such premises. If the owner has no agent or tenant or there is no occupant of such premises, then notice shall be made by notice posted upon the premises.

(Ord. 827, 2/14/2017)

§21-506. Requirements for Proposed New Construction.

In cases of new construction, new land developments, new building construction or as a condition of a final plan approval, the property owner shall install sidewalks as part of the project work or post security to guarantee completion of the improvements.

(Ord. 827, 2/14/2017)

§21-507. Permit for Construction or Reconstruction of Curb, Sidewalks and Crossover.

1. Before the construction of any new buildings, porches, sidewalks, curbs, crossovers, driveways and fences and/or the additions to existing buildings, porches, sidewalks, curbs, crossovers and fences and/or the resurfacing of existing driveways, application shall be made to the Building Inspector by or on behalf of the owners of the real estate upon which the construction or alteration is to be done for a permit authorizing said work; fees for said permits, as established from time to time by resolution, shall be paid to the Building Inspector at the time of filing said application.
2. All work done pursuant to a curb permit shall commence within 30 days from the issuance of the same; otherwise said permit shall become null and void.
3. Every application for a permit to construct a crossover shall be accompanied by a plan indicating the dimensions of the crossover and the distances from the closest street intersection in each direction. No permit shall be issued until the plan of the crossover shall be approved by the Borough Engineer in order to provide for pedestrian safety, and until the Borough Engineer shall have furnished the correct lines and grades.

(Ord. 827, 2/14/2017)

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§21-508. Posting of Permits.

After any permit is issued as provided for in this Part 5, the same shall be posted on the premises in a prominent place from the time construction is begun until the completion of the work.

(Ord. 827, 2/14/2017)

§21-509. Inspection of Work.

It shall be the duty of the Borough's Authorized Representative to make delivery of such permits and from time to time it shall be their further duty to ascertain whether or not there has been full compliance therewith. Said Authorized Representative shall be allowed a fee for the work in such amounts as outlined in the Coplay Borough Fee Schedule.

(Ord. 827, 2/14/2017)

§21-510. Safety Measures to be Taken; Watercourses to be Kept Open.

During any construction it shall be the duty of the owner of the real estate and contractors, mechanics and laborers employed by said owner to place barricades as may be necessary to protect pedestrians as well as the public in general; to provide amber safety flashing lights from sunset to sunrise; to provide safe and convenient passage for the public around or over the said construction, and to keep all watercourses, affected by the said work, open for the free flow of surface water.

(Ord. 827, 2/14/2017)

§21-511. Construction of Sidewalks, Crossovers and Curbs.

Any owner, occupant or other person who shall take up or cause to be taken up the whole or any part of any paved sidewalk and/or curbing for the purpose of improvement or otherwise shall cause such sidewalk and/or curbing to be replaced in accordance with the following provisions:

1. Sidewalks and Crossovers.
 - A. Sidewalks and crossovers shall be constructed of concrete being five inches thick. Sidewalks shall cross slope of 2%. No sidewalk or crossover shall be constructed or reconstructed until the line and grade thereof shall have been obtained from the Borough Engineer, and until the location thereof shall have

been staked out by the Borough Engineer. In the construction of any sidewalk or crossover, it shall be unlawful to deviate from the line and grade so specified. All sidewalks and crossovers shall be constructed on a bed of PennDOT 2A compacted gravel at least five inches in depth.

- B. Sidewalks shall be constructed per Coplay Borough Sidewalk Details "Attachment B". All sidewalks constructed shall be reconstructed or repaired in accordance with the existing line and grade, unless such line or grade is changed by the Borough Engineer. It shall be the duty of the owner, in all instances, to make inquiry of the Borough Engineer respecting such line and grade.
- C. Sidewalk width shall conform to the following requirements:
 - (1) Sidewalks within a residential district shall be a minimum of five feet wide.
 - (2) Sidewalks width within a commercial or industrial district shall be a minimum of seven feet wide.
 - (3) All new sidewalks or reconstructed sidewalks proposed shall comply with ADA and FFHA requirements.
 - (4) All sidewalks proposed along a public street shall be placed within the right-of-way for the street.
 - (5) It shall be permissible for shade trees to be planted within the sidewalk area, provided the same shall be planted not less than 15 inches from the outside of the curb and that provisions for compliance with ADA and FFHA are met. No shrubbery shall be planted within the sidewalk area.

2. Curbs.

- A. Curbs shall be constructed per Coplay Borough Curb Details "Attachment A". No curb shall be constructed or reconstructed until the line and grade thereof shall have been staked out by the Borough Engineer. In the construction of any curb, it shall be unlawful to deviate from the line and grade so specified. All curbs shall be constructed on a bed of gravel or cinders, at least eight inches in depth. At intersections of street, curbing shall be constructed in the form of a curve, the radius of which shall not be less than the width of the narrowest intersecting sidewalk, with the minimum radius in any case to be three feet.

- 3. If the Borough Council finds any sidewalk, crossover or curb were constructed contrary to provisions of this Part 5, or in an unsatisfactory manner, it may direct the same to

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be removed and properly made by the owner or owners of the abutting property, in accordance with said regulations.

(Ord. 827, 2/14/2017)

§21-512. Authority for Borough to Do Work and Collect Cost and Additional Amount.

If any owner or owners of ground along any street in the Borough shall refuse or neglect to comply with any of the provisions of this Part 5 after due notice has been given him or them, the Borough Council shall construct or reconstruct such sidewalk, crossover, curb or gutter at the expense of such property owner or owners, and within ten days after an itemized bill shall be given to the Borough Solicitor who shall proceed to collect the same with an additional amount of 10% added thereto.

(Ord. 827, 2/14/2017)

§21-513. Authority for Borough to Institute Criminal Proceeding for Failure to Repair.

In addition thereto, the Borough shall have the right to institute the proper criminal proceeding as provided by law for failure to comply with the said notice in §21-504 to repair within the same period of time.

(Ord. 827, 2/14/2017)

§21-514. Penalty for Violation of Provisions on Construction of Sidewalks, Crossovers, Curbs and Gutters.

Any person, corporation, association or firm violating the provisions of this Part 5 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part 5 continues shall constitute a separate offense.

(Ord. 827, 2/14/2017)

§21-515. Abatement of Nuisances.

This Part 5 is not intended to affect the rights of the Borough to declare a sidewalk, gutter or curb a nuisance which may be then abated with or without notice, and the collection of the cost

therefor in the same manner and to the same extent as in other cases of the abatement of nuisances.

(Ord. 827, 2/14/2017)

PART 6

General Penalty

§21-601. Violations and Penalties.

Unless another fine is specifically provided, any person, firm or corporation who shall violate or fail to comply with any provision of the various part in this chapter shall, upon conviction before any District Justice, be subject to a fine of not more than \$1,000 and costs of prosecution for each offense and, in default of payment of such fine and costs of prosecution, shall be subject to imprisonment for a period of not more than 30 days. Such fine and costs of prosecution shall be in addition to any charges made by the Borough for the abatement of violations, and each day on which a violation shall continue to exist shall constitute a separate offense.

(Ord. 827, 2/14/2017)

